



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM41/0201

JOHN D JETER
1403 TECHE DRIVE
ST MARTINVILLE LA 70582

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/958,509	10/27/97	008	WINAKUR, E	3736 02/01/99
First Named Applicant	RHEA, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION MULTIFUNCTION CATHETER (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 461	600-310.000	055	UTILITY	YES	\$605.00	05/03/99

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

08/958,509

Applicant(s)

Rhea, Jr.

Examiner

Eric Winakur

Group Art Unit

3736

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☐ This communication is responsive to _____.

☒ The allowed claim(s) is/are 1-8.

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 3736

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Jeter on January 25, 1999.

2. The application has been amended as follows:

In claim 1, line 9, "means" was deleted and -- and -- was inserted before "arranged";

line 11, "means" was deleted;

line 17, -- light -- was inserted before "emitter", -- sensitive -- was inserted before "detector", and a comma (,) was inserted after "sensor";

line 22, a comma (,) was inserted after "mucosa";

line 23, "source" was changed to -- emitter --;

line 24, "associated" was changed to -- association with -- and a comma (,) was inserted after "control"; and,

line 25, "output" was deleted.

In claim 2, line 1, "connector" was changed to -- at least one conductor --.

In claim 3, line 1, "catheter" was deleted;

line 2, -- surface of said -- was inserted after "outer" and "in said insertion end" was deleted.

In claim 5, line 2, "emitting" was changed to -- emitter -- and "means" was deleted.

Art Unit: 3736

In claim 6, line 1, "emitting" was changed to -- emitter -- and "means" was deleted.

In claim 7, line 1, -- , at least in part, -- was inserted before "provided".

Claim 8 was amended as follows:

a1 8. A modified Foley catheter having an insertion end, an access end, and a tubular extension therebetween comprising intrinsic pressure sensor means, temperature sensor means, and oximeter means imbedded in the material forming the wall of the tubular extension and provided with at least one electrical connector at the access end, said connector providing access to conductors imbedded in the [tube] wall and in communication with [to transmit excitation energy and signal communication between] said connector and external control and signal conditioning means to provide readout information defining temperature, pressure, blood oxygen levels and pulse rate for a patient fitted with the catheter.

In the abstract, lines 2 and 3, "emitting means" was changed to -- emitter --;

line 8, "means" was deleted;

line 9, "processing means" was changed to -- processor --;

lines 9 - 10, "processing means" was changed to -- processor --;

line 10, "indicator means" was changed to -- indicators -- and "exists" was changed to -- exist

--.

3. The following is an examiner's statement of reasons for allowance: The prior art teaches a variety of catheters for making multiple measurements including oxygen saturation. Singer teaches a modified Foley catheter for measurement of bladder oxygen that includes an oxygen sensor that is

Art Unit: 3736

extended through a port in the distal end of the catheter. Lieber et al. teach a multiple probe analysis method that includes a lumen for passing various probes through the catheter for performing measurements. Fiddian-Green teaches a tonometric catheter combination that includes a sensitive colorimetric substance in a sampling chamber at a distal end of the catheter for detecting blood gas properties. The prior art does not teach or suggest a urethral catheter with multiple sensor elements imbedded into the wall of the sensor, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Winakur whose telephone number is (703) 308 - 3940. The examiner can normally be reached on Monday - Thursday from 7:30 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cary O'Connor, can be reached on (703) 308- 2701. The fax phone number for this group is (703) 308 - 0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 - 0858.

Eric F. Winakur
Art Unit 3736
January 26, 1999


CARY O'CONNOR
SUPERVISORY PATENT EXAMINER
GROUP 3700